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# HOUSE BILL No. 1380

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-7-18-4; IC 36-7-18-5.

**Synopsis:** Housing authority memberships. Allows a housing authority to have either five or seven members. Provides that one member of the housing authority must be a person directly assisted by the housing authority instead of a resident of the housing authority.

**Effective:** July 1, 2002.

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January 15, 2002, read first time and referred to Committee on Local Government.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## HOUSE BILL No. 1380

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-7-18-4 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A unit may  
3       establish a housing authority if the fiscal body of the unit, by  
4       resolution, declares that there is a need for an authority in the unit.

5       (b) The determination as to whether or not there is a need for an  
6       authority may be made by the fiscal body:

7           (1) on its own motion;

8           (2) on the filing of a petition signed by twenty-five (25) residents  
9           of the unit and stating that there is a need for an authority in the  
10          unit; or

11          (3) on receipt of an order from the division of family and children.

12       (c) A resolution may be passed under this section only after a public  
13       hearing. Notice of the time, place, and purpose of the hearing must be  
14       given by the fiscal body by publication in accordance with IC 5-3-1.

15       (d) The fiscal body of a unit may adopt a resolution declaring that  
16       there is need for a housing authority in the unit if it finds that:

17           (1) unsanitary or unsafe dwelling accommodations are inhabited

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in the unit; or

(2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding.

**(f) The fiscal body shall specify in the resolution whether the commission of the housing authority has five (5) members or seven (7) members.**

SECTION 2. IC 36-7-18-5, AS AMENDED BY P.L.229-2001, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) After the fiscal body of a unit adopts a resolution under section 4 of this chapter, persons shall be appointed as commissioners of the housing authority in the following manner:

(1) In a city, the fiscal body shall promptly notify the city executive of the adoption of the resolution. The executive shall then appoint **either:**

**(A) five (5) persons, one (1) of whom must be a person directly assisted by the housing authority, and not more than three (3) of whom may be of the same political party, as commissioners of the housing authority; or**

**(B) seven (7) persons, one (1) of whom must be a resident of a housing project under the jurisdiction of person directly assisted by the housing authority, and no more than four (4) of whom may be of the same political party, as commissioners of the housing authority;**

**as specified in the resolution by the fiscal body.**

(2) In a town or county, the fiscal body shall appoint **either:**

**(A) five (5) persons, one (1) of whom must be a person**

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1 directly assisted by the housing authority, and not more  
 2 than three (3) of whom may be of the same political party,  
 3 as commissioners of the housing authority; or

4 (B) seven (7) persons, one (1) of whom must be a person  
 5 directly assisted by the housing authority, and no more than  
 6 four (4) of whom may be of the same political party, as  
 7 commissioners of the housing authority;

8 as specified in the resolution by the fiscal body.

9 (b) Subsequent appointments to the authority shall be made in the  
 10 same manner.

11 (c) A commissioner of a housing authority must be a resident of the  
 12 area in which the housing authority has jurisdiction as provided in  
 13 section 41 of this chapter.

14 SECTION 3. P.L.229-2001, SECTION 5, IS AMENDED TO READ  
 15 AS FOLLOWS [EFFECTIVE JULY 1, 2002]: SECTION 5. (a) **Except**  
 16 **as provided in subsections (b) and (c), and** notwithstanding  
 17 IC 36-7-18-5, and ~~IC 36-7-18-7~~, both as amended by this act, the  
 18 appointing authority of a unit that ~~created~~ has a housing authority with  
 19 five (5) **commissioners on July 1, 2001, and elects to have seven (7)**  
 20 **commissioners before July 1, 2001,** shall appoint the following: ~~not~~  
 21 ~~later than August 1, 2001:~~

22 (1) One (1) commissioner who is a resident of a housing project  
 23 ~~under the jurisdiction of~~ must be a person directly assisted by  
 24 the housing authority, unless the housing authority already has  
 25 a person directly assisted by the housing authority serving as  
 26 a member of the authority. The commissioner appointed  
 27 under this subdivision who serves an initial term of one (1) year  
 28 and ~~who~~ may be reappointed.

29 (2) One (1) commissioner who serves an initial term of two (2)  
 30 years and may be reappointed.

31 (b) A member appointed to a housing authority under  
 32 P.L.229-2001, SECTION 5(a) may continue to serve the remainder  
 33 of the person's term at the discretion of the appointing authority.

34 (c) The appointing authority of a unit that has a housing  
 35 authority with five (5) members must appoint one (1) commissioner  
 36 who is a person directly assisted by the housing authority, unless  
 37 the housing authority already has a person directly assisted by the  
 38 housing authority serving as a member of the authority. The  
 39 commissioner appointed under this subsection must be appointed  
 40 to the first vacancy on the commission and may be reappointed.

41 (b)(d) This SECTION expires July 1, 2005.



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